

EXHIBIT A-15

August 25, 2021 email from J. Whitehill re: claim construction (Dkt. 29-15)

EXHIBIT 15
August 25, 2021 Email
from J. Whitehill Re
Exchange of Claim
Constructions, with
attachment

Kalish, Yury

From: Joshua A. Whitehill <JWhitehill@kasowitz.com>
Sent: Wednesday, August 25, 2021 10:43 PM
To: Buxton, Christopher A.; Hershy Stern; Yothers, Stuart W.; Kalish, Yury; mark waltfairllc.com; Heather Kim; Jack Shaw; WSOU v. NEC
Cc: NEC-WSOU-Team
Subject: RE: WSOU v NEC: Exchange of claim constructions
Attachments: NYC-#5793166-v1-WSOU_v_NECA_WSOU_proposed_edits_to_017_constructions.DOCX

** External mail **

Counsel,

Attached are WSOU's revisions to the proposed constructions for the '017 patent terms. We accepted the changes in the draft you sent this past Thursday, and then made our revisions in track-changes. As you will note, WSOU is agreeing that the "means" terms in the '017 patent should be treated as means-plus-function, so that particular issue should no longer need to be briefed. Please let us know whether NEC will adopt the proposed functions and structures in the attached document.

In addition, please provide us as soon as possible with NEC's positions regarding the non-"means" terms in the redline that we provided in the Aug. 19th 4:30 pm (ET) exchange. Based on your representations, we understood that NEC was going to consider and let us know whether it would adopt WSOU's proposed compromise constructions for those claim terms.

Regards,
Josh

From: Buxton, Christopher A. [mailto:cbuxton@jonesday.com]
Sent: Thursday, August 19, 2021 4:30 PM
To: Hershy Stern <HStern@kasowitz.com>; Yothers, Stuart W. <syothers@jonesday.com>; Joshua A. Whitehill <JWhitehill@kasowitz.com>; Kalish, Yury <ykalish@jonesday.com>; mark waltfairllc.com <mark@waltfairllc.com>; Heather Kim <HKim@kasowitz.com>; Jack Shaw <JShaw@kasowitz.com>; WSOU v. NEC <WSOUvNEC@kasowitz.com>
Cc: NEC-WSOU-Team <NEC-WSOU@jonesday.com>
Subject: RE: WSOU v NEC: Exchange of claim constructions

Counsel,

Please find attached NEC's proposed redline edits to WSOU's constructions for the '017 terms. Let us know if these edits are agreeable or if we need to schedule another meet and confer to discuss.

Thank you,

Chris

Christopher Buxton
Associate
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Dallas, Texas 75201
Office +1.214.969.4841

From: Buxton, Christopher A. <cbuxton@jonesday.com>
Sent: Thursday, August 19, 2021 2:53 PM
To: Hershy Stern <HStern@kasowitz.com>; Yothers, Stuart W. <syothers@jonesday.com>; Joshua A. Whitehill <JWhitehill@kasowitz.com>; Kalish, Yury <ykalish@jonesday.com>; mark waltfairpllc.com <mark@waltfairpllc.com>; Heather Kim <HKim@kasowitz.com>; Jack Shaw <JShaw@kasowitz.com>; WSOU v. NEC <WSOUvNEC@kasowitz.com>
Cc: NEC-WSOU-Team <NEC-WSOU@jonesday.com>
Subject: RE: WSOU v NEC: Exchange of claim constructions

Hershy,

That is fine. We will exchange at 4:30 ET.

Best,
Chris

Christopher Buxton
Associate
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From: Hershy Stern <HStern@kasowitz.com>
Sent: Thursday, August 19, 2021 2:51 PM
To: Buxton, Christopher A. <cbuxton@jonesday.com>; Yothers, Stuart W. <syothers@jonesday.com>; Joshua A. Whitehill <JWhitehill@kasowitz.com>; Kalish, Yury <ykalish@jonesday.com>; mark waltfairpllc.com <mark@waltfairpllc.com>; Heather Kim <HKim@kasowitz.com>; Jack Shaw <JShaw@kasowitz.com>; WSOU v. NEC <WSOUvNEC@kasowitz.com>
Cc: NEC-WSOU-Team <NEC-WSOU@jonesday.com>
Subject: RE: WSOU v NEC: Exchange of claim constructions

** External mail **

Chris,

Can we please adjourn the exchange until 4:30 ET. I have run into a technical issue.

Thanks,

Hershy

From: Buxton, Christopher A. [<mailto:cbuxton@jonesday.com>]
Sent: Thursday, August 19, 2021 2:20 PM
To: Hershy Stern <HStern@kasowitz.com>; Yothers, Stuart W. <syothers@jonesday.com>; Joshua A. Whitehill <JWhitehill@kasowitz.com>; Kalish, Yury <ykalish@jonesday.com>; mark waltfairpllc.com <mark@waltfairpllc.com>; Heather Kim <HKim@kasowitz.com>; Jack Shaw <JShaw@kasowitz.com>; WSOU v. NEC <WSOUvNEC@kasowitz.com>
Cc: NEC-WSOU-Team <NEC-WSOU@jonesday.com>
Subject: RE: WSOU v NEC: Exchange of claim constructions

Hershy,

We agree to exchanging at 4pm ET.

Best,
Chris

Christopher Buxton
Associate
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From: Hershy Stern <HStern@kasowitz.com>
Sent: Thursday, August 19, 2021 12:54 PM
To: Yothers, Stuart W. <syothers@jonesday.com>; Buxton, Christopher A. <cbuxton@jonesday.com>; Joshua A. Whitehill <JWhitehill@kasowitz.com>; Kalish, Yury <ykalish@jonesday.com>; mark waltfairpllc.com <mark@waltfairpllc.com>; Heather Kim <HKim@kasowitz.com>; Jack Shaw <JShaw@kasowitz.com>; WSOU v. NEC <WSOUvNEC@kasowitz.com>
Cc: NEC-WSOU-Team <NEC-WSOU@jonesday.com>
Subject: RE: WSOU v NEC: Exchange of claim constructions

**** External mail ****

Stuart,

We also remain committed to narrowing any issues for the Court. Josh has been out on vacation the last few days, which caused a little bit of a delay. In any event, we are prepared to make an exchange of proposed redlines consistent with your discussions.

How does 4pm ET sound?

Best regards,
Hershy

Hershy Stern
Kasowitz Benson Torres LLP
1633 Broadway
New York, New York 10019
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From: Yothers, Stuart W. [<mailto:syothers@jonesday.com>]
Sent: Thursday, August 19, 2021 10:12 AM
To: Buxton, Christopher A. <cbuxton@jonesday.com>; Joshua A. Whitehill <JWhitehill@kasowitz.com>;
Kalish, Yury <ykalish@jonesday.com>; mark waltfairpllc.com <mark@waltfairpllc.com>; Heather Kim
<HKim@kasowitz.com>; Jack Shaw <JShaw@kasowitz.com>; WSOU v. NEC
<WSOUvNEC@kasowitz.com>
Cc: NEC-WSOU-Team <NEC-WSOU@jonesday.com>
Subject: RE: WSOU v NEC: Exchange of claim constructions

Josh,

We remain committed to this proposal as a means of narrowing the issues for the Court and remain prepared to make the exchange. Please let us know if WSOU will be providing proposed redlines and when you will be prepared to make the exchange.

Thanks,

Stuart W. Yothers ([bio](#))
Partner
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250 Vesey Street
New York, NY 10281-1047
Office +1.212.326.3893

From: Buxton, Christopher A. <cbuxton@jonesday.com>
Sent: Tuesday, August 17, 2021 1:07 PM
To: Joshua A. Whitehill <JWhitehill@kasowitz.com>; Yothers, Stuart W. <syothers@jonesday.com>;
Kalish, Yury <ykalish@jonesday.com>; mark waltfairpllc.com <mark@waltfairpllc.com>; Heather Kim
<HKim@kasowitz.com>; Jack Shaw <JShaw@kasowitz.com>; WSOU v. NEC
<WSOUvNEC@kasowitz.com>
Cc: NEC-WSOU-Team <NEC-WSOU@jonesday.com>
Subject: RE: WSOU v NEC: Exchange of claim constructions

Josh,

As agreed during last Friday's meet and confer, your team would propose redlines for the non-means terms for which NEC has proposed a construction, and NEC would propose redlines to the structure and function you identified for the '017 terms.

NEC is ready to exchange its redlines. Please let us know when WSOU would be in a position to exchange, so that we can settle on a particular time.

Best,
Chris

Christopher Buxton
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From: Joshua A. Whitehill <JWhitehill@kasowitz.com>
Sent: Friday, August 13, 2021 7:53 AM
To: Yothers, Stuart W. <syothers@jonesday.com>; Kalish, Yury <ykalish@jonesday.com>; mark waltfairllc.com <mark@waltfairllc.com>; Heather Kim <HKim@kasowitz.com>; Jack Shaw <JShaw@kasowitz.com>; WSOU v. NEC <WSOUvNEC@kasowitz.com>
Cc: NEC-WSOU-Team <NEC-WSOU@jonesday.com>
Subject: RE: WSOU v NEC: Exchange of claim constructions

** External mail **

Stuart,

We can do 5:00 pm ET. Please confirm. Below is a dial-in:

Dial-in: 646-558-8656
Meeting ID: 926 5589 2965
Passcode: 987256
One tap mobile: +16465588656,,92655892965#
Or join via Zoom:
<https://kasowitz.zoom.us/j/92655892965?pwd=bmNIMjUyTk8xckJJZUdwRkNmSkJiQT09>

Thanks,
Josh

From: Yothers, Stuart W. [<mailto:syothers@jonesday.com>]
Sent: Thursday, August 12, 2021 5:43 PM
To: Joshua A. Whitehill <JWhitehill@kasowitz.com>; Kalish, Yury <ykalish@jonesday.com>; mark waltfairllc.com <mark@waltfairllc.com>; Heather Kim <HKim@kasowitz.com>; Jack Shaw <JShaw@kasowitz.com>; WSOU v. NEC <WSOUvNEC@kasowitz.com>
Cc: NEC-WSOU-Team <NEC-WSOU@jonesday.com>
Subject: RE: WSOU v NEC: Exchange of claim constructions

Josh,

We have a conflict at 3:00 PM ET, but we are available from 11:30 AM – 2:00 PM ET and after 4:30 PM ET.

Thanks,
Stuart

Stuart W. Yothers ([bio](#))
Partner
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From: Joshua A. Whitehill <JWhitehill@kasowitz.com>
Sent: Thursday, August 12, 2021 5:24 PM
To: Kalish, Yury <ykalish@jonesday.com>; mark waltfairllc.com <mark@waltfairllc.com>; Heather Kim <HKim@kasowitz.com>; Jack Shaw <JShaw@kasowitz.com>; WSOU v. NEC <WSOUvNEC@kasowitz.com>
Cc: NEC-WSOU-Team <NEC-WSOU@jonesday.com>
Subject: RE: WSOU v NEC: Exchange of claim constructions

** External mail **

Counsel:

We are available tomorrow at 3:00 PM (Eastern) to meet and confer about the proposed claim constructions, pursuant to the agreed-upon amended scheduling order. Please confirm your availability, and we'll provide a dial-in.

Thanks,
Josh

Joshua A. Whitehill
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From: Kalish, Yury [<mailto:ykalish@jonesday.com>]
Sent: Thursday, August 5, 2021 8:01 PM
To: mark waltfairllc.com <mark@waltfairllc.com>; Heather Kim <HKim@kasowitz.com>; Jack Shaw <JShaw@kasowitz.com>; WSOU v. NEC <WSOUvNEC@kasowitz.com>

Cc: NEC-WSOU-Team <NEC-WSOU@jonesday.com>
Subject: RE: WSOU v NEC: Exchange of claim constructions

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Counsel,

Attached please find for service:

- NEC's Preliminary Claim Constructions and Extrinsic Evidence
- Accompanying production of extrinsic evidence (NEC-0041503 - 507)

Yury Kalish ([bio](#))

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Sent: Thursday, August 5, 2021 2:57 PM

To: mark waltfairllc.com <mark@waltfairllc.com>; Heather Kim <HKim@kasowitz.com>; JShaw@kasowitz.com; WSOUvNEC@kasowitz.com

Cc: NEC-WSOU-Team <NEC-WSOU@jonesday.com>

Subject: RE: WSOU v NEC: Exchange of claim constructions

Mark – yes, 7pm CT works for us.

Yury Kalish ([bio](#))

Associate

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From: mark waltfairpllc.com <mark@waltfairpllc.com>
Sent: Thursday, August 5, 2021 2:28 PM
To: Kalish, Yury <ykalish@jonesday.com>; Heather Kim <HKim@kasowitz.com>; JShaw@kasowitz.com; WSOUvNEC@kasowitz.com
Cc: NEC-WSOU-Team <NEC-WSOU@jonesday.com>
Subject: RE: WSOU v NEC: Exchange of claim constructions

** External mail **

Hi Yury,

Can we please exchange at 7pm central instead?

Thanks,

Mark

From: Kalish, Yury <ykalish@jonesday.com>
Sent: Thursday, August 5, 2021 10:57 AM
To: Heather Kim <HKim@kasowitz.com>; mark waltfairpllc.com <mark@waltfairpllc.com>; JShaw@kasowitz.com; WSOUvNEC@kasowitz.com
Cc: NEC-WSOU-Team <NEC-WSOU@jonesday.com>
Subject: WSOU v NEC: Exchange of claim constructions

Counsel,

Exchange of claim constructions and extrinsic evidence is due today. We propose to exchange them at 6pm Central Time – please let us know if this works for you.

In an effort to reduce the number of terms for construction, NEC will not be providing construction of the following terms of the '213 Patent it has previously listed in its Identification of Claim Terms Requiring Construction on July 19, 2021:

“supported communication transport configuration information”
“user preferences configured in the [at least one other] apparatus”
“formulat[e/ing] a configuration”
“a configuration”
“processing load information for the [at least one other] apparatus”
“receive wireless communication in an apparatus”

Thank you,
Yury

Yury Kalish ([bio](#))

Associate

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This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

Term/Phrase	Claim(s)	WSOU's Construction
“detecting means”	'017: 8	<p><u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite. <u>No construction necessary—plain and ordinary meaning.</u> <u>Further, to the extent the Court treats the term as means plus function:</u></p> <p><u>Function:</u> detecting that the received first call is an emergency call</p> <p><u>Structure/material/acts:</u> For example, step 102 of Fig. 2, and the corresponding portions of the specification at 9:15-17, node 30 of Fig. 1, and the corresponding portions of the specification at <u>4:62-5:48</u><u>5:41-48</u>, and equivalents thereof.</p>
“reserving means”	'017: 8 and 9	<p><u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite. <u>No construction necessary—plain and ordinary meaning.</u> <u>Further, to the extent the Court treats the term as means plus function:</u></p> <p><u>Function:</u> reserving conference facilities in response to the detected emergency call</p> <p><u>Structure/material/acts:</u> For example, step 112 of Fig. 2, and the corresponding portions of the specification at 9:38-43, node 30 of Fig. 1, and the corresponding portions of the specification at 6:20-29, and equivalents thereof.</p>

Term/Phrase	Claim(s)	WSOU's Construction
“connecting means”	'017: 8 and 9	<p><u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite. No construction necessary—plain and ordinary meaning. Further, to the extent the Court treats the term as means plus function: <u>Function:</u> connecting the emergency call using the reserved conference facilities to a designated second party that handles emergency calls <u>Structure/material/acts:</u> For example, step 114 of Fig. 2, and the corresponding portions of the specification at 9:43-46, node 30 of Fig. 1, reserved conference facilities/bridge, and the corresponding portions of the specification at 6:20-29, and equivalents thereof.</p>

Term/Phrase	Claim(s)	WSOU's Construction
“calling means”	'017: 8 and 9	<p><u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite. No construction necessary—plain and ordinary meaning. Further, to the extent the Court treats the term as means plus function: <u>Function:</u> automatically originating at least one second call associated with the reserved conference facilities from the node over the telecommunications network to at least one predetermined third party that is different than the calling party and the second party, each third party being previously designated by the calling party along with suitable contact information for the corresponding third party in conjunction with a service feature provided to the calling party via the telecommunications network. <u>Structure/material/acts:</u> For example, steps 116, 118, 120 and 122 of Fig. 2, and the corresponding portions of the specification at 9:47-66, node 30 of Fig. 1, and the corresponding portions of the specification at 6:20-7:2816, and equivalents thereof.</p>

Term/Phrase	Claim(s)	WSOU's Construction
“answer detecting means”	'017: 10	<p><u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite. <u>No construction necessary—plain and ordinary meaning.</u></p> <p><i>Further, to the extent the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u> determining whether or not the third party answers the second call.</p> <p><u>Structure/material/acts:</u> For example, step 120 of Fig. 2, <u>node 30 of Fig. 1</u>, and the corresponding portions of the specification at 9:60-61 <u>and 10:4-6, node 30 of Fig. 1, and the corresponding portions of the specification at 7:8-8:56</u>, and equivalents thereof.</p>